

# **TOWN OF LEESBURG, VIRGINIA PLANNING COMMISSION BYLAWS AND RULES OF PROCEDURE**

## **ARTICLE ONE BYLAWS**

**Section 1.1. Applicable Legislation.** The Planning Commission is governed by the provisions of Sections 15.2-2210 through 15.2-2222 of the Code of Virginia (Attachment One), by Sections 13-16 through 13-10 of the Town Code (Attachment Two) and by Sections 16A-1 and 16A-3 of the Leesburg Zoning Ordinance (Attachment Three). Other legislation applicable to the Planning Commission includes the Virginia Freedom of Information Action (Sections 2.1-340 through 2.1-346.1 of the Code of Virginia) and the State and Local Government Conflict of Interests Act (Sections 2.1-639.1 through 2.1-639.24).

**Section 1.2. Meetings.** Regular meetings of the Planning Commission are held on the first and third Thursdays of each month beginning at 7:00 PM in Town Council Chambers, or at such time and place as the Planning Commission may determine from time to time. It shall be the practice of the commission to hold public hearings and business meetings on their first meeting of the month with the second meeting of the month used as a work session.

**Section 1.3. Officers.** The officers shall be a chairman, vice-chairman and parliamentarian, who shall be elected in the first meeting in January of each year.

**Section 1.4. Order of Succession.** The order of succession in the absence of the Chairman shall be Vice Chairman, Parliamentarian.

**Section 1.5. Planning Commission Representatives.** At the first meeting in January of each year, the Planning Commission shall approve one of its members to serve as a liaison to the Board of Architectural Review, the Economic Development Commission, Environmental Advisory Committee. In addition the commission shall appoint a member to the Standing Residential Traffic Committee.

**Section 1.6. Amendment.** The foregoing bylaws may be amended by a two-thirds vote of the members present provided that five days' notice of intent to amend has been given.

## ARTICLE TWO

### RULES OF PROCEDURE

**Section 2.1. Robert's Rules of Order.** The provisions of Robert's Rules of Order shall govern the Planning Commission at its meetings.

**Section 2.2. Order of Business.** The order of business for Public Hearing and Business meetings of the commission, as far as is consistent with the purpose of the meeting, shall be as follows:

- Call to Order
- Roll Call and Existence of Quorum
- Adoption of the Agenda
- Approval of Minutes
- Chairman's Statement
- Consent Agenda
- Remarks by Petitioners
- Public Hearings
- Subdivision and Land Development
- Zoning
- Comprehensive Planning
- Council Representative's Report
- Staff and Committee Reports
- Old Business
- New Business
- Adjournment

The order of business for a particular meeting may be changed during that meeting by the Chairman.

CONSENT AGENDA: Should members of the Planning Commission have concerns, or interested citizens have concerns, the application will be removed from the consent agenda. If all parties are in agreement and there is no public opposition, the item will remain on the consent agenda for approval.

The order of business for work sessions of the commission shall be set based on the commission's needs.

**Section 2.3 Public Hearing Procedures.** Procedural rules for public hearings shall be as follows:

- Open Public Hearing
- Read Chairman's Statement
- Applicant Presentation
- Staff Presentation
- Public Testimony/Comments
- Applicant Rebuttal
- Planning Commission Questions
- Close Public Hearing
- Planning Commission discussion
- Planning Commission Action
- Advise Public of Next Step in the Process

Unless the Commission elects to defer their vote, the Commission shall vote immediately following the public hearing..

**Section 2.4. Suspension of Rules.** These rules of procedure may be suspended by a two-thirds vote of the members present without notice.

**Section 2.5. Materials Submission.** The Planning commission will not consider any material given to them unless it was submitted two weeks prior to their scheduled meeting. The commission further directs staff to make this rule known to all applicants and to direct applicants to submit any material directly to staff for distribution to the Commission.

**Section 2.6. Duties of the officers of the Planning Commission are as follows:**

**Chairman** – The Chairman shall preside at meetings of the commission, promote the orderly and expeditious conduct of the meeting, preserve order and decorum, decide questions of order and procedure, and set reasonable time limits for speakers and public hearings. The Chairman may speak, make motions and vote on all questions.

**Vice Chairman** – The Vice Chairman shall perform the duties of the chairman during the absence or disability of the Chairman.

**Parliamentarian** – When requested, the Parliamentarian shall advise the Chairman on questions of parliamentary procedure. The Parliamentarian cannot rule, only the Chairman can rule on a question of order.

**Section 2.7. Certified Planning Commissioners' Training.** It is resolved by the Commission that all newly appointed members to the Planning Commission shall attend the Virginia Certified Planning Commissioners Program sponsored by the Citizens Planning Education Association of Virginia

## ATTACHMENT ONE

### CODE OF VIRGINIA REFERENCE – §15.2-2210 through §15.2-2222

**§ 15.2-2210. Creation of local planning commissions; participation in planning district commissions or joint local commissions.** Every locality shall by resolution or ordinance create a local planning commission in order to promote the orderly development of the locality and its environs. In accomplishing the objectives of § 15.2-2200 the local planning commissions shall serve primarily in an advisory capacity to the governing bodies.

Any locality may participate in a planning district commission in accordance with Chapter 42 (§ 15.2-4200 et seq.) of this title or a joint local commission in accordance with § 15.2-2219.

**§ 15.2-2211. Cooperation of local planning commissions and other agencies.** The planning commission of any locality may cooperate with local planning commissions or legislative and administrative bodies and officials of other localities so as to coordinate planning and development among the localities. Planning commissions may appoint committees and may adopt rules as needed to effect such cooperation. Planning commissions may also cooperate with state and federal officials, departments and agencies. Planning commissions may request from such departments and agencies, and such departments and agencies of the Commonwealth shall furnish, such reasonable information which may affect the planning and development of the locality.

**§ 15.2-2212. Qualifications, appointment, removal, terms and compensation of members of local planning commissions.** A local planning commission shall consist of not less than five nor more than fifteen members, appointed by the governing body, all of whom shall be residents of the locality, qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that at least one-half of the members so appointed shall be owners of real property. The local governing body may require each member of the commission to take an oath of office.

One member of the commission may be a member of the governing body of the locality, and one member may be a member of the administrative branch of government of the locality. The term of each of these two members shall be coextensive with the term of office to which he has been elected or appointed, unless the governing body, at the first regular meeting each year, appoints others to serve as their representatives.

The remaining members of the commission first appointed shall serve respectively for terms of one year, two years, three years, and four years, divided equally or as nearly equal as possible between the membership. Subsequent appointments shall be for terms of four years each. The local governing bodies may establish different terms of office for initial and subsequent appointments including terms of office that are concurrent with those of the appointing governing body. Vacancies shall be filled by appointment for the unexpired term only. Members may be removed for malfeasance in office.

The local governing body may provide for compensation to commission members for their services, reimbursement for actual expenses incurred, or both.

**§ 15.2-2213. Advisory members.** A member of a local planning commission may, with the consent of both governing bodies, serve as an advisory member of the local planning commission of a contiguous locality.

**§ 15.2-2214. Meetings.** The local planning commission shall fix the time for holding regular meetings. Commissions shall meet at least every two months. However, in any locality with a population of not more than 7,500, the commission shall be required to meet at least once each year.

Special meetings of the commission may be called by the chairman or by two members upon written request to the secretary. The secretary shall mail to all members, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice.

**§ 15.2-2215. Quorum majority vote.** A majority of the members shall constitute a quorum and no action of the local planning commission shall be valid unless authorized by a majority vote of those present and voting.

**§ 15.2-2216. Facilities for holding of meetings and preservation of documents; appropriations for expenses.**

The governing body may provide the local planning commission with facilities for the holding of meetings and the preservation of plans, maps, documents and accounts, and may appropriate funds needed to defray the expenses of the commission.

**§ 15.2-2217. Officers, employees and consultants; expenditures; rules and records; special surveys.** The local planning commission shall elect from the appointed members a chairman and a vice-chairman, whose terms shall be for one year. If authorized by the governing body the commission may create and fill such other offices as it deems necessary; appoint such employees and staff as it deems necessary for its work; and contract with consultants for such services as it requires.

The expenditures of the commission, exclusive of gifts or grants, shall be within the amounts appropriated for such purpose by the governing body.

The commission shall adopt rules for the transaction of business and shall keep a record of its transactions which shall be a public record.

Upon request of the commission, the governing body or other public officials may, from time to time, for the purpose of special surveys under the direction of the commission, assign or detail to it any members of the staffs of county or municipal administrative departments, or such governing body or other public official may direct any such department employee to make for the commission special surveys or studies requested by the local commission.

**§ 15.2-2218. County planning commission serving as commission of town.** The governing body of any town may designate, with the consent of the governing body of a contiguous county, by ordinance, the county planning commission as the local planning commission of the town. A county commission designated as a town commission shall have all the powers and duties granted under this chapter to a local planning commission. Any town designating a county commission as its local planning commission may contract annually to pay the county a proportionate part of the expenses properly chargeable for the planning service rendered the town, and any such payments may be appropriated to the county planning commission in addition to any funds budgeted for planning purposes.

**§ 15.2-2219. Joint local planning commissions.** Any one or more adjoining or adjacent counties or municipalities including any municipality within any such county may by agreement provide for a joint local planning commission for any two or more of such counties and municipalities. The agreement shall provide for the number of members of the commission and how they shall be appointed, in what proportion the expenses of the commission shall be borne by the participating localities, and any other matters pertinent to the operation of the commission as the joint local planning commission for the localities. Any commission so created shall have, as to each participating locality, the powers and duties granted to and imposed upon local planning commissions under this chapter.

**§ 15.2-2220. Duplicate planning commission authorized for certain local governments.** Any city with a population between 140,000 and 160,000 which is subject to the provisions of the Chesapeake Bay Preservation Act (§ 10.1-2100 et seq.) may by ordinance establish a duplicate planning commission solely for the purpose of considering matters arising from such Act. Sections 15.2-2210 through 15.2-2222 shall apply to the commission, mutatis mutandis. The procedure, timing requirements and appeal to the circuit court set forth in § 15.2-2258 through § 15.2-2261 shall apply to the considerations of this commission, mutatis mutandis.

To distinguish the planning commission authorized by this section from planning commissions required by § 15.2-2210, the commission established hereunder shall have the words "Chesapeake Bay Preservation" in its title.

The governing body of a city that establishes a commission pursuant to this section, in its sole discretion by ordinance, may abolish the duplicate planning commission.

**§ 15.2-2221. Duties of commissions.** To effectuate this chapter, the local planning commission shall:

1. Exercise general supervision of, and make regulations for, the administration of its affairs;
2. Prescribe rules pertaining to its investigations and hearings;
3. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the governing body;
4. Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;
5. Make recommendations and an annual report to the governing body concerning the operation of the commission and the status of planning within its jurisdiction;
6. Prepare, publish and distribute reports, ordinances and other material relating to its activities;
7. Prepare and submit an annual budget in the manner prescribed by the governing body of the county or municipality; and
8. If deemed advisable, establish an advisory committee or committees.

**§ 15.2-2222. Expenditures; gifts and donations.** The local planning commission may expend, under regular local procedure as provided by law, sums appropriated to it for its purposes and activities. A locality may accept gifts and donations for commission purposes. Any moneys so accepted shall be deposited with the appropriate governing body in a special nonreverting commission fund to be available for expenditure by the commission for the purpose designated by the donor. The disbursing officer of the locality may issue warrants against such special fund only upon vouchers signed by the chairman and the secretary of the commission.

## ATTACHMENT TWO

### LEESBURG CODE REFERENCE – §13.16 through §13.19

**Sec. 13-16. Planning commission created; composition; appointment; qualifications; terms.** The Leesburg Planning Commission is hereby recreated and re-established. The commission shall consist of seven members who shall be residents of the town and appointed by the town council. An appointment to fill a vacancy shall be for the unexpired term. Three members' terms shall expire on June 30, 1996, and four members' terms shall expire on June 30, 1998. Thereafter members shall serve four-year terms. A majority of the members shall be owners of real property within the town qualified by knowledge and experience to make decisions on questions of community growth and development. The council shall appoint one of its members to the commission who shall be a non-voting member of the commission and whose term of office shall correspond to the official tenure of office as a councilmember unless the council at the first regular meeting after July 1, each year appoints another member to serve. Each member of the planning commission shall take an oath of office.

*(Ord. No. 84-0-6, § 1, 1-25-84; Ord. No. 89-0-11, 5-23-89; Ord. No. 95-0-24, § 7, 9-12-95)*

*State law reference(s)--Authority to create planning commission,*

*Code of Virginia, § 15.1-427; composition of local planning commissions and appointment, qualifications and terms of members thereof, Code of Virginia, § 15.1-437; authority to require oath, Code of Virginia, § 15.1-437.*

#### **Sec. 13-17. Compensation of members; reimbursement for expenses.**

(a) Compensation of the chairman of the town planning commission after July 1, 1993, shall be \$3,150.00 per annum, payable in equal monthly installments.

(b) Compensation of members of the town planning commission after July 1, 1993, shall be \$3,000.00 per annum, payable in equal monthly installments.

(c) Members of the town planning commission shall be reimbursed for actual expenses incurred in the exercise of their functions.

*(Ord. No. 84-0-6, § 1, 1-25-84; Ord. No. 86-0-32, § 1, 6-25-86; Ord. No. 92-0-20, § 1, 6-23-92; Ord. No. 93-0-25, § 1, 7-13-93)*

*Cross reference(s)--Compensation for boards and commissions, § 2-87 et seq.*

*State law reference(s)--Authority for above section, Code of Virginia, § 15.1-437.*

#### **Sec. 13-18. Organization.**

(a) The planning commission at the first meeting each year shall elect from the members a chairman and a vice-chairman for terms of one year. The town manager shall provide a recording clerk for the planning commission from the town staff. The commission shall fix the time for holding regular meetings and shall meet every month. The chairperson is required to report any attendance problems to the town council, which has the authority to require a member to resign if the said member is absent from four consecutive, regularly scheduled meetings.

(b) The planning commission may establish committees to facilitate the conduct of its business. Committees shall consist of at least three members of the commission appointed by the chairman. A majority of the members of a committee shall constitute a quorum and action of a committee shall be valid when authorized by a majority vote of those present and voting. The members of each committee shall elect a chairman. Each committee shall fix the time for holding regular meetings and shall meet at least every month. Special meetings may be called using the procedure of Section 15.1-439 of the Code of Virginia, as amended. Matters coming before the commission may be referred by the chairman of the commission to the appropriate committee for review and recommendation or acted upon by the whole commission without referral to a committee.

(c) A majority of the members of the commission shall constitute a quorum and action of the commission shall be valid when authorized by a majority vote of those present and voting.

*(Ord. No. 84-0-6, § 1, 1-25-84; Ord. No. 91-0-49, § 5, 12-10-91; Ord. No. 91-0-57, § 5, 12-10-91)*

**Sec. 13-19. Meeting place.** The commission and its committees shall meet regularly in the town council chambers at 25 West Market Street but may meet elsewhere from time to time if required in the course of business.

*(Ord. No. 84-0-6, § 1, 1-25-84; Ord. No. 90-0-8, § 1, 3-27-90; Ord. No. 90-0-38, § 1, 11-14-90)*

## ATTACHMENT THREE

# LEESBURG ZONING ORDINANCE REFERENCE – SEC. 2.2

### Sec. 2.2 Planning Commission

#### 2.2.1 Purpose

The Planning Commission shall advise the Town Council on all matters relating to the orderly growth and development of the Town of Leesburg.

#### 2.2.2 Establishment; Consistency with Town Code

The Planning Commission heretofore established pursuant to the provisions of Section 15.2-2210 of the Code of Virginia, 1950, as amended, shall continue as the Planning Commission and hold regular meetings in compliance with Chapter 13 of the Town Code of Leesburg.

#### 2.2.3 Powers and Duties

In addition to those powers and duties established for the Planning Commission in Section 15.2-2210 and Section 15.2-2217 of the Code of Virginia, 1950, as amended, and Chapter 13 of the Town Code or as otherwise lawfully assigned, the Planning Commission shall have the following powers and duties:

- A. Prepare Ordinance.** To prepare and recommend amendments to the Zoning Ordinance.
- B. Recommendations on Rezonings.** To consider whether or not proposed Zoning Map amendments and proffered amendments are consistent with the overall goals and objectives of the *Town Plan*, and to make recommendations regarding all such amendments to the Town Council.
- C. Review Comprehensive Plan.** To review the Town comprehensive plan at least once every 5 years and recommend amendments
- D. Recommendations on Special Exception Uses.** To receive, hear and investigate applications for special exception uses under this Zoning Ordinance and, if the facts and conditions required by this Zoning Ordinance for the approval of such uses are found to be present, to recommend to the Town Council that the application be granted.
- E. Conduct Public Hearings.** To conduct such public hearings as may be required to gather information for the drafting, establishment and maintenance of the various components of the *Town Plan*, and such additional public hearings as are specified under the provisions of this Zoning Ordinance.
- F. Commission Permits.** To issue commission permits for streets, parks or other public areas, public building or public structure, public utility facility or public service corporation facility other than railroad facilities, whenever such public facility or area is not identified within the adopted *Town Plan*, pursuant to the procedures of Section 15.2-2232 of the Code of Virginia, 1950, as amended.



- G. Authority to Employ Staff and Consultants.** Within the limits of funds generally appropriated for the performance of its duties, the Planning Commission may obtain the services of qualified persons to advise and assist the Planning Commission, and may obtain the equipment, supplies and other material necessary to its effective operation.
- H. Authority to Request Information.** The Planning Commission shall have the authority to request and receive information, cooperation, assistance, or studies from any town departments, boards, agencies or commissions.

## Commentary

The Code of Virginia contains the following relevant provisions:

### **Section 15.2-2217 Officers, employees and consultants; expenditures; rules and records; special surveys**

The local planning commission shall elect from the appointed members a chairman and a vice-chairman, whose terms shall be for one year. If authorized by the governing body the commission may (i) create and fill such other offices as it deems necessary; (ii) appoint such employees and staff as it deems necessary for its work; and (iii) contract with consultants for such services as it requires. The expenditures of the commission, exclusive of gifts or grants, shall be within the amounts appropriated for such purpose by the governing body.

The commission shall adopt rules for the transaction of business and shall keep a record of its transactions which shall be a public record. Upon request of the commission, the governing body or other public officials may, from time to time, for the purpose of special surveys under the direction of the commission, assign or detail to it any members of the staffs of county or municipal administrative departments, or such governing body or other public official may direct any such department employee to make for the commission special surveys or studies requested by the local commission.  
See also Chapter 13 of the Town Code.

- I. Other.** To perform other duties which may lawfully be assigned to it.